

REMARKS

In the Official Action of September 23, 2005, claims 1, 6, and 7 were rejected under 35 U.S.C. 102 as being anticipated by the Chamberland, *et al.* patent ("Chamberland"). Claims 2, 3, and 5 were rejected under 35 U.S.C. 103 over the Chamberland patent in view of Gribble, *et al.* ("Gribble"). Claim 4 was objected to and indicated as being allowable if rewritten in independent form to include all the limitations of the base and any intervening claims.

Although Applicant appreciates the indication of allowable subject matter, just as in response to the first Office Action, the §102 rejection of claims 1, 6, and 7 is respectfully traversed because Chamberland does not disclose all the claimed elements. Applicant also respectfully traverses the §103 rejection of claims 2, 3, and 5 because the Action again fails to make out a proper *prima facie* showing of the obviousness of the differences between the claims and the combination of Chamberland and Gribble. Applicant therefore requests reconsideration of both rejections. In accordance with the requirements of 37 C.F.R. 1.111(b), the basis for traversing these rejections is set out below.

With regard to the §102 rejection of claims 1, 6, and 7, Chamberland does not disclose the wire clamps called out in the second and last elements of claim 1. Although it is alleged in the Action that the metal sleeve 34 and insulator 36 of Chamberland constitute clamping means, a review of the disclosure of Chamberland gives no indication that either of the structure shown at reference numerals 34 or 36 "clamps." To the contrary, it appears that sleeve 34 and insulator 36 "surround" a center conductor 18. Notwithstanding the dictionary definition quoted on page 4 of the Action, "surrounding" is not clamping.

In support of Applicant's traversal of this allegation, and in specific contradiction of the assertion in the Action that the structure shown at reference numerals 34 and 36 of Chamberland "clamps," Applicant submits evidence (in the form of the attached Declaration of Troy K. Hopper) as to the meaning of the word "clamp" to those of ordinary skill in the art in the field of electrical connectors. Referring to paragraph 6 of the Hopper Declaration, it can be seen that to those skilled in the art, the word "clamp" refers to structure that compresses or crimps a wire for the purpose of making an electrical connection to that wire. It is also noted that reference numeral 36 of Chamberland is described in that patent as the insulator for the center conductor 18. Applicant is quite aware that it may be appropriate to construe the disclosure of a prior art reference broadly in making a §102 rejection, but there are limits, and any attempt to characterize the insulating jacket surrounding a conductor to a clamp would, as set out in paragraph 6 of the Hopper Declaration, be dismissed by one skilled in the art as the thinking of someone who is unfamiliar with the electrical connector business.

The claimed clamp is not the only element that is not disclosed in Chamberland. As Applicant previously noted (in response to the first Office Action), a center conductor is not a lead or sensor wire as recited in claim 1. Nor is Chamberland likely to disclose means for clamping a lead wire since, as set out at col. 1, lines 38-44 of that patent, the invention described in that patent is intended to connect coaxial cables, not conductors/lead wires. Note also that because Chamberland does not disclose a clamp for a lead wire, it cannot disclose male or female conductive pins that extend through the claimed ceramic disk to a wire clamp. It is also inappropriate to analogize the claimed sleeve to the "forward portion of 26 with holes 26a" of Chamberland since the "first body 26" of Chamberland is part of the male connector ("plug") 12 disclosed in that device. The claimed sleeve, as set out in the penultimate paragraph of claim 1, is "engaged to" the male part (the claimed shell) of the connector of the present invention. In other words, the claimed sleeve is part of the female portion of the connector of the present invention (which is why the claim recites that the ceramic disk is interposed between the sleeve and sensor wire clamp).

Because of these several differences between the structure of Chamberland and the structure set out in claims 1, 6, and 7, it is submitted that the §102 rejection of claims 1, 6, and 7 is improper and that those claims should be allowed. Indeed, Applicant actually amended claim 1 in Applicant's Response to Official Action of March 10, 2005 to broaden that claim since it is allowable over Chamberland in even broader form than originally presented.

The §103 rejection of claims 2, 3, and 5 is traversed because the Official Action of September 23, 2005, like the Official Action of March 10, 2005, fails to make out a proper *prima facie* showing of the obviousness of the differences between Applicant's invention and the cited references. As stated in the second paragraph of MPEP §706.02(j), "[t]o establish a *prima facie* case of obviousness, three criteria must be met." First, the rejection must indicate some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be some expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. MPEP §706.02(j). A review of the March 10, 2005 Action indicates that it fails to establish a proper *prima facie* showing of the obviousness of the differences between the invention claimed in claims 2, 3, and 5 and the cited prior art references, alone or in the combination asserted in the Action.

In Applicant's **Response to Official Action of March 10, 2005**, Applicant pointed out that the March 10, 2005 Action failed to make out a *prima facie* showing of the obviousness of the differences between that claim and the cited prior art references because it failed to identify

any disclosure in either of Chamberland or Gribble of a connector that combines a clamp for a lead wire, a conductive pin in electrical contact with the clamp for a lead wire, and a ceramic disk that is interposed between the claimed sleeve and wire clamp, all as recited in claim 1 (on which claims 2, 3, and 5 are dependent). The Official Action of September 23, 2005 makes no attempt whatsoever to identify such structure in response to Applicant's argument. Because this claimed structure is not disclosed in either of the cited references, it is respectfully submitted that the September 23, 2005 Action is just as deficient as the March 10, 2005 Action in that it fails to establish that the cited references, alone or in combination, teach the claimed structure as required by MPEP §706.02(j).

Having established that the cited art does not teach all the elements of the claimed invention in accordance with MPEP §706.02(j), the next inquiry is whether either reference provides a suggestion or motivation to modify the combined references in the manner claimed. The Official Action of September 23, 2005, unlike the March 10, 2005 Action, does attempt to identify such a suggestion or motivation. At the middle of page 4 of the Action, it is stated that

“in response to [A]pplicant's argument that there is no suggestion to combine the references, . . . it is generally known two basic types [sic] of of [sic] a wire connection – non-separable (soldering) and non-separable [sic]. Replacing non-separable connection [sic] with separable one [sic] requires the knowledge generally available to one of ordinary skill in the art.”

Aside from the grammatical irregularities that make it difficult to understand this quotation from the September 23, 2005 Action, the allegation that one of ordinary skill in the art **could** replace a separable connection with a non-separable connection does not provide the requisite suggestion that one **should** replace a non-separable connection disclosed in the prior art with a separable connection. For that reason, it is respectfully submitted that this attempt to show that the art teaches or suggests the claimed combination is insufficient to establish a *prima facie* showing of the obviousness of the differences between the claimed invention and the combination of the Chamberland and Gribble references, and reconsideration and withdrawal of the §103 rejection is therefore requested.

Alternatively, if the allegation quoted above from the September 23, 2005 Action does rise to the level of a *prima facie* showing of the obviousness of the differences between the claimed invention and the combination of the Chamberland and Gribble references, Applicant submits evidence, in the form of the attached Declaration of Troy K. Hopper, contradicting the allegation that replacing a non-separable connection with a separable connection is within the knowledge available to one of ordinary skill in the art. Specifically, paragraphs 8-10 of the Hopper Declaration explain why the two types of connections are not interchangeable and unambiguously state (paragraph 10) that in the context of Applicant's invention, replacing a non-

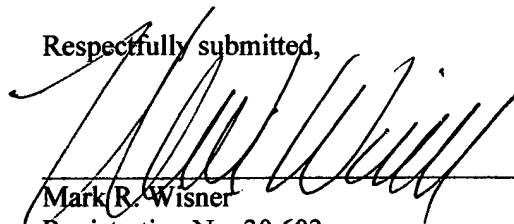
separable connection with a separable connection would compromise the function of Applicant's invention.

In light of the evidence presented in the Hopper Declaration, Applicant respectfully submits that if the Official Action of September 23, 2005 did establish a *prima facie* showing of a suggestion to combine the cited references, that showing has been rebutted. Upon rebuttal of a *prima facie* showing, it is incumbent upon the Office either to withdraw a §103 rejection or to come forward with new evidence in support of that rejection. Applicant therefore requests the reconsideration and withdrawal of the §103 rejection of claims 2, 3, and 5.

Of course when there is no suggestion in the art to modify the references in the manner asserted, there can be no showing of the third element of a *prima facie* obviousness rejection, namely, an expectation of success. In the absence of a showing of (1) all the claimed elements in the cited art, (2) a suggestion in the art to modify the combined references in the manner claimed, and (3) some expectation that such a modification can be made successfully, the §103 rejection of claims 2, 3, and 4 is improper and should be withdrawn.

Reconsideration and withdrawal of the §102 rejection of claims 1, 6, and 7, as well as the §103 rejection of claims 2, 3, and 5, entry of the above amendments to the claims, consideration of the remarks set out herein and the attached Declaration of Troy K. Hopper, allowance of the claims, and passage of the application to issuance are all respectfully requested. In the unforeseen event that there are questions and/or issues yet to be answered in this application, it is respectfully requested that Applicant's Attorney be contacted at the address and phone number set out below.

Respectfully submitted,



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